

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

QUANTEL SAUNDERS,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-00080

SCOTTY MOORE, et. al.,

Respondent.

ORDER

Pending are Plaintiff Quantel Saunders' Application to Proceed without Prepayment of Fees or Costs [Doc. 1], and his Complaint seeking relief pursuant to 42 U.S.C. § 1983 [Doc. 2], both filed February 1, 2021. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on August 12, 2021.¹ Magistrate Judge Aboulhosn recommended that the Court deny Mr. Saunders' Application to Proceed Without Prepayment of Fees and Costs, dismiss Mr. Saunders' Complaint and Amended Complaint, and remove this matter from the docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

¹ Magistrate Judge Aboulhosn filed his first PF&R on February 8, 2021. [Doc. 8]. Mr. Saunders then filed a Motion to Amend his Complaint, attaching his Proposed Amended Complaint. [Doc. 12]. On March 22, 2021, Mr. Saunders filed objections to the first PF&R. [Doc. 13]. On May 24, 2021, in light of Mr. Saunders' Motion to Amend, the Court recommitted the matter to the Magistrate Judge for further consideration of Mr. Saunders' permission for leave to amend and the impact, if any, it had on the screening process of Mr. Saunders' qualification for IFP status. [Doc. 14]. Magistrate Judge Aboulhosn granted Mr. Saunders' Motion to Amend on August 12, 2021, [Doc. 15] and filed a new PF&R addressing the same that same date. [Doc. 17].

to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also* *United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on September 22, 2021. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 17**], **DENIES** Mr. Saunders’ Application to Proceed Without Prepayment of Fees and Costs [**Doc. 1**], **DISMISSES** Mr. Saunders’ Complaint and Amended Complaint [**Docs. 2, 12-1**], and **MOVES** this matter from the docket.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: September 28, 2021



Frank W. Volk
United States District Judge